

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
PROGRESS POLLUTION REPORT**

**I. HEADING**

**Date:** September 30, 1993

**From:** Kevin Matheis/Jack Haymon, On-Scene-Coordinators,  
USEPA, REGION II *Kevin M Matheis*

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**Subject:** Frontier Chemical Processes, Inc., Niagara Falls,  
Niagara County, NY - Cyanides, Oxidizers, Flam-  
mables, Corrosives, Halogenated and  
Non-Halogenated Solvents

**POLREP NO:** Thirteen (13)

**II. BACKGROUND**

<b>SITE/SPILL NO.:</b>	AY
<b>D.O. NO.:</b>	0026-02-036
<b>RESPONSE AUTHORITY:</b>	CERCLA/SARA
<b>NPL STATUS:</b>	Non-NPL
<b>START DATE:</b>	December 22, 1992
<b>APPROVAL STATUS:</b>	Authorization of Funding from Deputy Regional Administrator
<b>STATUS OF ACTION MEMO:</b>	Signed May 17, 1993
<b>CONSENT ORDER SIGNED:</b>	Signed September 30, 1993
<b>EFFECTIVE DATE OF ORDER:</b>	September 30, 1993

### **III. RESPONSE INFORMATION**

#### **A. Situation**

1. See Polrep #1.

#### **B. Actions Taken**

1. ERCS continues maintenance activities at the Site. During the past several weeks, the following tasks were accomplished:

- The overpacking of 10 leaking drums.
- Pumping and processing approximately 100,000 gallons of secondary containment water that accumulated from precipitation.
- Moved all unknown and plant drums into Building #52. These 600+ drums will be hazcatted by TAT starting the week of October 4. ERCS installed a safety shower and fire suppression equipment in case of emergency.
- Repair of a leaking Tank #102 that contained 50,000 gallons of a high-TOC waters containing pesticides. This tank developed a leak at one of the weld seams at the 50% mark of the tank. The tank was repaired by welding an exterior patch over the leak area.
- ERCS calibrated the wastewater integrator station that monitors the effluent from the Site.
- ERCS began boiler maintenance in preparation of starting the boilers upon the arrival of inclement weather.
- ERCS also began repairs of the compressor that provides compressed air to the pump stations, fire suppression equipment, and power tools throughout the Site. Repairs are expected to be completed during the week of October 4.

Additionally, ERCS performs routine drum and tank checks, monitors and calibrates the POTW discharge integrator, repairs broken water lines, inspects all fire control devices, and other maintenance as needed at the facility.

2. Originally, the PRPs needed 80% participation in the Consent Order to proceed on Consent. This 80% participation is for drums assigned to the generators

and not 80% of the total amount of PRPs. As of Thursday, September 16, 79% participation had been reached. Drums assigned to the Federal PRPs have been removed from the denominator since DOJ has indicated that the Federal PRPs will work out a side agreement for participation in the drum action, but will not sign the Consent Order. DOJ understood that EPA would issue a parallel 106 Unilateral Order which would order the Federal PRPs to cooperate and participate with the PRPs that consented. In addition, the bankrupt PRPs were carved out of the denominator.

3. Since 80% participation had not been reached, the PRP steering committee mailed an amended steering party participation agreement to the consenting PRPs to adjust the consent percentage to 75%. Response to the amended PRP participation agreement is was due Wednesday, September 22. When the PRPs amended participation agreement was received by Clean Sites, the signature pages from the consenting PRPs was forwarded to ORC.
4. ORC sent the Consent Order for final approval by the Acting Regional Administrator on Tuesday, September 29. Signature on the Consent Order was received on Thursday, September 30 and immediately transmitted to the designated head of the PRP steering committee.
5. On Thursday, September 30, upon completion of the transmission to the head of the PRP steering committee, the OSC met with the PRP contractor selected to implement the scope of work listed in the Consent Order. Issues discussed were related to access, obtaining an EPA identification number for the Site, access to profiles pertaining to the waste currently at the Site, procedures for the removal of the laboratory chemicals, and contractor staffing during the drum removal. This meeting marks the start of the PRP Consent Order.
6. ORC has forwarded the 106 Unilateral Order to the Acting Regional Administrator's office for signature on Thursday, September 30. OSC Matheis is now compiling a list of non-respondent PRPs that will be issued the 106 Unilateral Order, which will order the non-complying PRPs to cooperate and participate. The final issuance list will be completed during the week of October 4.
7. OSC Harmon has completed the PRP list for Tank 209. This tank appears to have approximately 100 PRPs. Tank 102, completed last week, has approximately 120 PRPs. Work on the remainder of the tank PRPs will be led by OSC Harmon with assistance from TAT.
8. The OSC has deobligated \$65,000 from the Region II ETI contract.

**C. Future Actions**

1. Maintenance of the facility and 24-hour security will continue.
2. The OSCs continue to work on the phase two tank action. Currently the OSC is compiling the last waste-ins and final tank cleanouts to substantiate the PRPs for the tanks.
3. The OSCs will further discuss the logistics of the cleanup with the PRP consultant.

**D. Key Issues**

None

**IV. COST INFORMATION:**

	<u>Obligations</u>	ETI Region II Contract Costs As of 8/11/93	Total Remaining
Obligated to			
DCN#932AKE0004,			
DCN#932AKE0010,			
DCN#932AKE0031	\$ 900,000		
Amount Deobligated			
DCN#932AKE0031	\$ -50,000		
Amount Deobligated			
DCN#932AKE0031	\$ -65,000		
<b>TOTAL</b>	<b>\$ 785,000</b>	<b>\$ 775,000</b>	<b>\$ 10,000</b>
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		ETI Region III Contract costs as of 9/30/93	
Amount Obligated to Present Contract			
DCN#932AKE0068	\$ 350,000	\$ 220,000	\$ 130,000
EPA/TAT Costs	\$ 632,000	\$ 330,000	\$ 302,000
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<b>Site Totals</b>	<b>\$ 1,832,000</b>	<b>\$ 1,325,000</b>	<b>\$ 442,000</b>